



<b>Title:</b>	<b>Constitution of the Council (Part 3Zb: Statutory Officers)</b>
<b>Owner:</b>	<b>John Teasdale</b>
<b>Date of version:</b>	<b>12<sup>th</sup> December 2022</b>
<b>Review due:</b>	<b>Annually as required</b>
<b>Approved by Monitoring Officer:</b>	<b>John Teasdale</b>

**Adopted by Full Council on 12<sup>th</sup> December 2022**



# STATUTORY OFFICERS

## 1 HEAD OF PAID SERVICE (CHIEF EXECUTIVE)

- 1.1 The Council must appoint a Head of Paid Service, who has overall responsibility for all employees of the Council and for the management of the Council's operations.
- 1.2 The Head of Paid Service at East Staffordshire Borough Council is known as the "Chief Executive". Their job description includes the following key accountabilities:
  - 1.2.1 Proactively supporting the Leader and Cabinet in the formulation of customer-focused and deliverable objectives, values and strategic policies;
  - 1.2.2 Providing inspiring leadership to the Council, promoting a customer-focused, high performance and accountable culture in which all staff are clear about their role and responsibilities;
  - 1.2.3 Leading the Council's corporate management team;
  - 1.2.4 Driving cultural change and organisational development;
  - 1.2.5 Ensuring the Council's capacity and in particular its structure is 'fit for purpose' and able to meet the needs of our communities and strategic goals within available resources;
  - 1.2.6 Ensuring that the Council operates in an open, respectful, accountable and democratic manner, and that all the statutory duties and obligations of the Council are fully met;
  - 1.2.7 Quickly developing an effective working relationship with each of the political group leaders and their groups, ensuring effective and importantly consistent management of the Council's core functions are maintained;
  - 1.2.8 Proactively supporting the Leader in their external and ambassadorial role on behalf of East Staffordshire, and where appropriate (and particularly with the business community), undertaking external-facing tasks to the benefit of the Council;
  - 1.2.9 Ensuring support for all Councillors in their role engaging with the community and with partners at borough wide, regional and national level;
  - 1.2.10 Building effective personal relationships at local, regional and national level;

Constitution: Part 3Zb

1.2.11 Building upon existing and establishing new, strong and purposeful relationships with local, regional and national partners and stakeholders across private, not for profit and other parts of the public sector.

1.3 The Chief Executive is also the Electoral Registration Officer and Returning Officer.

## 2 MONITORING OFFICER

2.1 The Council must appoint a “Monitoring Officer” under S5 of the Local Government and Housing Act 1989.

2.2 The Council’s Monitoring Officer has a duty to ensure that the Council acts within the law. This includes the duty to ensure that the Council’s Constitution is relevant and up to date.

2.3 The Monitoring Officer’s main statutory duties are:

2.3.1 To produce a report to the Full Council or Cabinet in any circumstances where it appears to them that any action taken, or likely to be taken, by the Council, its executive members, committees or officers is, or is likely to:

2.3.1.1 Be contrary to law; or

2.3.1.2 Result in maladministration.

2.3.2 To ensure that the provisions relating to the Code of Conduct for Councillors, adopted under the Localism Act 2011 are properly implemented. This involves:

2.3.2.1 Maintaining the Councillors’ Register of Interests,

2.3.2.2 Ensuring that Councillors are made aware of their responsibilities under the Code of Conduct,

2.3.2.3 Supporting the Council’s Standards Committee,

2.3.3 Dealing with complaints about alleged breaches of the Code of Conduct.

2.4 Section 5 of the 1989 Act:

2.4.1.1 permits the Monitoring Officer to nominate a properly qualified member of staff to deputise should they be unable to perform their duties personally; and

2.4.1.2 requires the Council to provide the Monitoring Officer with sufficient staff, accommodation and other resources to carry out their duties.

### 3 CHIEF FINANCE OFFICER

- 3.1 The Chief Finance Officer (otherwise known as the Section 151 Officer) has statutory duties in relation to the financial administration and stewardship of the Council. This statutory responsibility cannot be overridden. The statutory duties arise from:
- 3.1.1 Section 151 of the Local Government Act 1972;
  - 3.1.2 The Local Government Finance Act 1988;
  - 3.1.3 The Local Government and Housing Act 1989; and
  - 3.1.4 The Accounts and Audit Regulations 1996.
- 3.2 The Chief Finance Officer is responsible for:
- 3.2.1 the proper administration of the Council's financial affairs;
  - 3.2.2 setting and monitoring compliance with financial management standards;
  - 3.2.3 advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
  - 3.2.4 providing financial information;
  - 3.2.5 preparing the revenue budget and capital programme;
  - 3.2.6 treasury management.
- 3.3 Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the Full Council, Cabinet and the external auditor if the Borough Council or one of its officers:
- 3.3.1 has made, or is about to make, a decision which involves incurring unlawful expenditure;
  - 3.3.2 has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Council;
  - 3.3.3 is about to make an unlawful entry in the Council's accounts.
- 3.4 Section 114 of the 1988 Act also requires:
- 3.4.1 the Chief Finance Officer to nominate a properly qualified member of staff to deputise should they be unable to perform their duties under section 114 personally.

Constitution: Part 3Zb

3.4.2 the Council to provide the Chief Finance Officer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114.

3.5 The Chief Finance Officer (~~together~~in consultation with the Monitoring Officer) is responsible for advising whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:

3.5.1 initiating a new policy;

3.5.2 committing expenditure ~~in future years~~ above the budget level;

3.5.3 incurring interdepartmental transfers above virement limits;

causing the total net expenditure financed from council tax grants and corporately held reserves to increase, or to increase by more than a specified amount.

**Commented [JT1]:** Applies to current year too